

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health
Rule No. 580-2-20-.02

Rule Title: Governing Body

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Debbie Popwell

Date 12/18/19

REC'D & FILED

DEC 18 2019

LEGISLATIVE SVC AGENCY

(DATE FILED)
(STAMP)

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-2-20-.02 Governing Body

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: We have created Chapter 580-2-20-.06 to eventually combine the current rules for Mental Illness in Chapter 580-2-9 and Substance Abuse in Chapter 580-9-44.

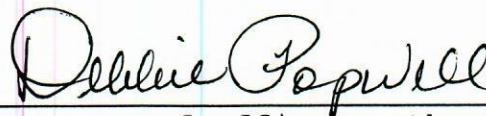
TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person between the hours of 8:00AM and 5:00PM, Monday through Friday, or by electronic means to Debbie.popwell@mh.alabama.gov until and including February 5, 2020. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334) 353-2069 during this period to arrange for an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
February 5, 2020

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposal may contact
Debbie Popwell
Department of Mental Health
100 North Union Street, Suite 540
Montgomery, Alabama 36130
(334) 353-2069

A copy of the proposed change is available on the department's website at <http://mh.alabama.gov>. Click on Provider Portal and then Certification to find code with changes.



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

DEPARTMENT OF MENTAL HEALTH
MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
ADMINISTRATIVE CODE

580-2-20
PROGRAM OPERATION

580-2-20-.01 Reserved
580-2-20-.02 Reserved Governing Body
580-2-20-.03 Personnel
580-2-20-.04 Recipient Protection
580-2-20-.05 Reserved Infection Control
580-2-20-.06 Reserved Incident Management
580-2-20-.07 Performance Improvement

580-2-20-.02 Reserved Governing Body. The agency shall maintain and have the following documents/information available for review onsite:

(1) Each agency shall have written board-approved operational policies.

(2) Each agency shall have articles of incorporation (or charter) and bylaws.

(3) Each agency shall have a current organizational chart.

(4) Each agency shall have a written mission statement that is approved by the Governing Body/Board of Directors.

(5) Each agency shall have in written form the responsibilities of the Governing Body/Board of Directors.

(6) Records/minutes of Governing Body/Board of Directors meetings shall be maintained and available for review.

(7) The Governing Body/Board of Directors shall assure compliance with 580-3-26, Human Rights Committee in ADMH Certified Programs.

(8) The Governing Body/Board of Directors shall assure compliance with applicable federal, state, and local

laws. Reviews by the Alabama Department of Mental Health only certify compliance with Administrative Code issued by it.

(9) The Governing Body/Board of Directors shall have a policy and procedure for reviewing and approving agency's policies and procedures. The Governing Body/Board of Directors shall have procedures on when implementation of updates to agency's policies and procedures will take effect.

(10) The Governing Body/Board of Directors shall ensure agency has indexed Policies and Procedures Manual which shall, minimally, contain each of the required written policies, procedures, practices, plans, and processes as specified by MHSA Administrative Code. All policies and procedures contained within the Policies and Procedures Manual shall:

(a) Obtain advisory input by the programs' staff, clients, their families, and client advocates, as appropriate that may be garnered from surveys, advisory committees, suggestions, etc.

(b) Be consistent with ADMH Mental Health and Substance Abuse Services Administrative Code relative to recipient protection.

(11) The Policies and Procedures Manual shall be:

(a) Updated as needed and approved according to written procedures established by the Governing Body/Board of Directors.

(b) Reviewed and approved, at least, on an annual basis by the Governing Body/Board of Directors with this review process documented in writing.

(c) Easily accessible to all agency personnel and available at each certified service/program location.

(d) Accessible for review by ADMH upon request.

Author: Division of Mental Health and Substance Abuse Services, DMH Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed: December 18, 2019.